

MRS. JULIA CAMPBELL

MAY 21 (legislative day, MAY 15), 1942.—Ordered to be printed

Mr. ROZIER, from the Committee on Claims, submitted the following

REPORT

[To accompany H. R. 5847]

The Committee on Claims, to whom was referred the bill (H. R. 5847) for the relief of Mrs. Julia Campbell, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

The facts are fully set forth in House Report No. 1989, Seventy-seventh Congress, second session, which is appended hereto and made a part of this report.

[H. Rept. No. 1989, 77th Cong., 2d sess.]

The Committee on Claims, to whom was referred the bill (H. R. 5847) for the relief of Mrs. Julia Campbell, having considered the same, report favorably thereon with an amendment and recommend that the bill, as amended, do pass.

The amendment is as follows:

At the end of the bill add: “: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.”

The purpose of the proposed legislation is to pay to Mrs. Julia Campbell of Pensacola, Fla., the sum of \$500 for personal injuries sustained on October 28, 1940, when a hub cap from one of the wheels of a truck in the service of the National Youth Administration flew off the wheel, ran upon the sidewalk, and struck Mrs. Campbell.

STATEMENT OF FACTS

At about 5 p. m. on October 28, 1940, a hub cap from the right front wheel of a truck owned by the United States, and being operated at the time in connection with the performance of official functions of the National Youth Administration, flew off the wheel and struck Mrs. Campbell, who was walking along Government Street on the sidewalk, striking her on the right ankle; that Mrs. Campbell was urged by officials of the National Youth Administration to consult a physician; that at the time she was of the opinion that there was only soreness

resulting from the blow and, therefore, refused medical attention; however, early in November, when the pain had not disappeared, she reported to Dr. A. M. Ames, of Pensacola, Fla., for examination. Dr. Ames reports that at the time, she had a swelling of the right ankle and foot and was advised to rest the foot and use hot applications. Thereafter Mrs. Campbell consulted Dr. Sidney J. Lerner, of Pensacola, who has treated her from time to time since the injury.

The Federal Security Agency, in report to the committee dated December 16, 1941, states that—

"There is some difficulty in determining the amount which would constitute fair compensation in this case. In the first place, it is very likely that the injury was aggravated by Mrs. Campbell's refusal to accept proper medical attention. When she did obtain such attention, it was found that she was suffering with strain and adhesions of the lateral ligaments in the region of the right ankle. The injuries were not extensive but required a limited amount of treatment over a considerable period. In fact, it is reported that Mrs. Campbell has not as yet entirely recovered, although complete recovery is anticipated in the near future."

Your committee, after carefully considering the facts of this case, find that Mrs. Campbell has incurred medical expenses in the sum of \$100, and that, although she did refuse medical attention immediately after the accident, your committee can understand how a blow of the nature received by her would be misleading, and it is the opinion of your committee that the sum of \$400, awarded for inconvenience and pain, would not be excessive. The recommendation of the Department, settling the claim in the amount of \$150 as reasonable settlement, cannot be concurred in. Appended hereto is the report of the Federal Security Agency, together with other pertinent evidence.

FEDERAL SECURITY AGENCY,
Washington, December 16, 1941.

HON. DAN R. MCGEEHEE,
*Chairman, Committee on Claims,
House of Representatives, Washington, D. C.*

MY DEAR MR. CHAIRMAN: Reference is made to your letter of October 17, 1941, to the National Youth Administrator requesting a report relative to H. R. 5847, a bill for the relief of Mrs. Julia Campbell.

This bill would authorize and direct the Secretary of the Treasury to pay to Mrs. Julia Campbell, of Pensacola, Fla., the sum of \$500 in full settlement of all claims against the United States for personal injury sustained on October 28, 1940.

The injury to which the bill refers occurred about 5 p. m. on the day stated near the intersection of Government and Barcelona Streets, Pensacola, Fla. It was caused by the hub cap from the right front wheel of a truck owned by the United States and being operated at the time in connection with performance of official functions of the National Youth Administration. It is reported that at the time of the injury Mrs. Campbell was walking along Government Street on the sidewalk when the hub cap left the wheel of the truck and rolled from the street to the sidewalk where it struck Mrs. Campbell just above the right ankle.

According to the evidence presented Mrs. Campbell refused medical attention for several days, insisting that her injuries were minor, even though she was urged by officials of the National Youth Administration to consult a physician. Ultimately, early in November she was examined by Dr. A. M. Ames of Pensacola, Fla., who reports that at the time she had a swelling of the right ankle and foot and was advised to rest the foot and use hot applications. Thereafter Mrs. Campbell consulted Dr. Sidney J. Lerner of Pensacola, who has treated her from time to time since the injury.

There is some difficulty in determining the amount which would constitute fair compensation in this case. In the first place, it is very likely that the injury was aggravated by Mrs. Campbell's refusal to accept proper medical attention. When she did obtain such attention it was found that she was suffering with strain and adhesions of the lateral ligaments in the region of the right ankle. The injuries were not extensive but required a limited amount of treatment over a considerable period. In fact, it is reported that Mrs. Campbell has not as yet entirely recovered, although complete recovery is anticipated in the near future.

The first series of treatments received are said to have cost Mrs. Campbell \$50. Thereafter she received individual treatments about once a month at a charge of \$3 per treatment. There is no definite report, but it is assumed that she received

about 12 such treatments. Thus the total cost of medical services appears to have been well under \$100.

In addition, Mrs. Campbell no doubt suffered a certain amount of inconvenience and pain, but these too appear not to have been great.

Neither Mrs. Campbell nor her attorney has stated to this Agency the amount considered by them to be an acceptable settlement. However, the sum of \$500 proposed by the bill is thought to be clearly excessive. Considering physicians' bills totaling less than \$100, some minor inconvenience and suffering, and the probable fact that a portion of the cost and suffering resulted from Mrs. Campbell's negligence in failing to obtain medical attention, it is suggested that payment in the amount of \$150 should be a reasonable settlement.

For your information there are transmitted herewith photostats of the following documents:

Memorandum, W. Ellis Jones to Vernon D. Northrop, November 12, 1940.

Affidavit, Vernon Hall, November 14, 1940.

Statement, Dr. Sidney J. Lerner, June 20, 1941.

Letter, D. W. Berry to State division of finance, June 24, 1941.

Statement, Dr. Sidney J. Lerner, November 3, 1941.

Letter, Dr. A. M. Ames to R. Parks, November 3, 1941.

Affidavit, Richard McGrew, November 3, 1941.

Affidavit, Vernon Hall, November 3, 1941.

Sincerely yours,

PAUL V. McNUTT, *Administrator.*

To Whom It May Concern:

On October 28, 1940, as I was going to my car in front of the B G Grocery Co., I saw the hub cap come off a National Youth Administration truck and strike Mrs. Julia Campbell a severe blow on her right leg. If she had not caught herself against the building she would have fallen to the sidewalk. This happened about 5:15 in the afternoon.

About 2 months later I met Mrs. Campbell in the Electric Maid Bakery and asked about her leg. She said it had given her a lot of trouble and at times she could not get around; she was going to see a foot specialist, Dr. Lerner. Later she told me that she had her leg strapped for 8 weeks and since has been giving her some trouble.

I certify that is a true and exact statement.

AGNES ANDERSON.

Sworn to and subscribed before me this 30th day of December 1941.

[SEAL]

DOROTHY FERGUSON,

Notary Public, State of Florida at Large.

My commission expires March 28, 1943.

STATE OF FLORIDA,

County of Escambia:

Before me, the undersigned notary public in and for the State of Florida at large, personally appeared Mrs. Susie Nobles, who being by me duly sworn, deposes and says: That she has known Mrs. Julia Campbell for the past 14 years; that she is a neighbor of Mrs. Campbell and knows of the accident she sustained in October 1940; that she knows Mrs. Campbell went to the doctor for treatments after her injury and that she observed the strapping which the doctor applied to her leg and foot and knows that Mrs. Campbell wore such special strapping for about 2 months. She also knows that Mrs. Campbell suffered very much with her ankle and foot and was handicapped in performing her household duties during that time, and also that she suffered great pain.

Mrs. SUSIE NOBLES, *Affiant.*

Sworn to and subscribed before me this 30th day of December A. D. 1941.

[SEAL]

EDWARD E. HARPER,

Notary Public, State of Florida at Large.

My commission expires August 12, 1945.

PENSACOLA, FLA., December 31, 1941.

To Whom It May Concern:

I hereby certify that I am familiar with the accident which Mrs. Julia Campbell had on October 28, 1940. I did not witness the accident, but saw her shortly afterward and know that she first saw her family physician, Dr. A. M. Ames, and gave her foot and ankle the attention he prescribed. I know that it became worse and worse, and then she went to Dr. S. J. Lerner, who applied a special kind of strapping and gave her other treatments. During the time her foot and leg were strapped she really experienced much pain and discomfort and was hindered in performing her household duties. I also saw her three or four times a week during this period her foot was strapped, and I am personally familiar with her complaining of extreme pain. I also have heard her mention on many occasions since the strapping has been removed that at times she had a great deal of pain, and it is difficult for her to use her foot.

I swear that the above is a true statement.

Mrs. MIRIAM PFEIFFER.

Sworn to and subscribed before me this 30th day of December 1941.

[SEAL]

DOROTHY FERGUSON;

Notary Public, State of Florida at Large.

My commission expires March 28, 1943.

DRS. AMES AND PAYNE,

Pensacola, Fla., November 3, 1941.

Mr. R. PARK,
Jacksonville, Fla.

MY DEAR SIR: In reference to the case of Mrs. Julia (Harvey) Campbell, I will say that I saw Mrs. Campbell some time in the early part of November of 1940. At that time she had a swelling of the right ankle and foot which she said was due to an injury which she had received on the right ankle October 28, 1940. This injury, she stated, was due to a hub from the cap of a passing truck striking her. I advised her to give the foot rest and to use hot applications. I did not see any more of her, but I understood that later on she went to a chiropodist and was under his treatment for several months.

Trusting that this will give you the desired information, I am

Very truly yours,

A. M. AMES, M. D.

Sworn to and subscribed before me this 30th day of December 1941.

[SEAL]

EDWARD E. HARPER,

Notary Public, State of Florida at Large.

My commission expires August 12, 1945.

Sworn to and subscribed before me this 30th day of December 1941.

[SEAL]

DOROTHY FERGUSON,

Notary Public, State of Florida at Large.

My commission expires March 28, 1943.

DR. S. J. LERNER,

Pensacola, Fla.

To Whom It May Concern:

Mrs. H. Campbell (Julia Campbell) was injured by a hub cap of a National Youth Administration truck on October 28, 1940. The cap flew off the wheel and struck her on the lateral side of the right foot at the ankle joint.

Contusions rather deep with bursted blood vessels and abrasions of that area were noted and injury of severe nature was done to the lateral ligaments of that area. It appeared as if the lateral tibiofibular ligament had been ruptured. The musculature in that area was severely strained.

Treatment has been carried on, off and on, since that time and for a period of 8 weeks Mrs. Campbell was under constant treatment, which consisted of X-ray, diathermy, infrared massage and manipulation. The entire area was strapped up in an adhesive Gibony boot for the entire period of 8 weeks.

At the conclusion of this period of treatment a special support was made from an impression of the foot, for the foot and ankle and the patient must wear this plate for at least 2 years.

As always the prognosis of a severely sprained and injured ankle is not always good. It has been my experience that patients with such conditions have trouble for years to come. There is a strong possibility that more treatments in electrical therapy and strapping might be necessary in the future as the progress of the case develops. The cost of the treatment up to the present time has been \$50.

Professionally yours,

DR. S. J. LERNER.

Sworn to and subscribed before me this 30th day of December 1941.

[SEAL]

DOROTHY FERGUSON,
Notary Public, State of Florida at Large.

My commission expires March 28, 1943.



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